

3/28/19

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Chapter No. 410
19/SS36/R933
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SENATE BILL NO. 2491

Originated in Senate



Secretary

SENATE BILL NO. 2491

AN ACT TO AMEND SECTION 9-23-11, MISSISSIPPI CODE OF 1972, TO REVISE THE TIME FRAME WITHIN WHICH THE CERTIFICATION AND RECERTIFICATION OF DRUG COURTS WILL OCCUR SO AS TO ALTERNATE BETWEEN EVEN AND ODD YEARS TO BETTER DISTRIBUTE THE WORKLOAD OF THE ADMINISTRATIVE OFFICE OF COURTS AND INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE REVIEW PROCESS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 9-23-11, Mississippi Code of 1972, is amended as follows:

9-23-11. (1) The Administrative Office of Courts shall establish, implement and operate a uniform certification process for all drug courts and other problem-solving courts including juvenile courts, veterans courts or any other court designed to adjudicate criminal actions involving an identified classification of criminal defendant to ensure funding for drug courts supports effective and proven practices that reduce recidivism and substance dependency among their participants.

(2) The Administrative Office of Courts shall establish a certification process that ensures any new or existing drug court meets minimum standards for drug court operation.

(a) These standards shall include, but are not limited to:

(i) The use of evidence-based practices including, but not limited to, the use of a valid and reliable risk and needs assessment tool to identify participants and deliver appropriate interventions;

(ii) Targeting medium to high-risk offenders for participation;

(iii) The use of current, evidence-based interventions proven to reduce dependency on drugs or alcohol, or both;

(iv) Frequent testing for alcohol or drugs;

(v) Coordinated strategy between all drug court program personnel involving the use of graduated clinical interventions;

(vi) Ongoing judicial interaction with each participant; and

(vii) Monitoring and evaluation of drug court program implementation and outcomes through data collection and reporting.

(b) Drug court certification applications shall include:

(i) A description of the need for the drug court;
(ii) The targeted population for the drug court;
(iii) The eligibility criteria for drug court participants;

(iv) A description of the process for identifying appropriate participants including the use of a risk and needs assessment and a clinical assessment;

(v) A description of the drug court intervention components including anticipated budget and implementation plan;

(vi) The data collection plan which shall include collecting the following data:

1. Total number of participants;
2. Total number of successful participants;
3. Total number of unsuccessful participants and the reason why each participant did not complete the program;

4. Total number of participants who were arrested for a new criminal offense while in the drug court program;

5. Total number of participants who were convicted of a new felony or misdemeanor offense while in the drug court program;

6. Total number of participants who committed at least one (1) violation while in the drug court program and the resulting sanction(s);

7. Results of the initial risk and needs assessment or other clinical assessment conducted on each participant; and

8. Any other data or information as required by the Administrative Office of Courts.

(c) Every drug court shall be certified under the following schedule:

(i) A drug court application submitted after July 1, 2014, shall require certification of the drug court based on the proposed drug court plan * * *.

(ii) A drug court initially established and certified after July 1, 2014, shall be recertified after its second year of funded operation * * * on a time frame consistent with the other certified courts of its type.

(iii) A certified adult felony drug court in existence on * * * December 31, 2018, must submit a * * * recertification petition * * * by July 1, 2019, and be * * * recertified under the requirements of this section * * * on or before December 31, 2019; after the recertification, all certified adult felony drug courts must submit a recertification petition every two (2) years to the Administrative Office of Courts. The recertification process must be completed by December 31st of every odd calendar year.

(iv) * * * A certified youth, family, misdemeanor or chancery drug court in existence on December 31, 2018, must

submit a recertification petition by July 31, 2020, and be recertified under the requirements of this section by December 31, 2020. After the recertification, all certified youth, family, misdemeanor and chancery drug courts must submit a recertification petition every two (2) years to the Administrative Office of Courts * * *. The recertification process must be completed by December 31st of every even calendar year.

(3) All certified drug courts shall measure successful completion of the drug court based on those participants who complete the program without a new criminal conviction.

(4) (a) All certified drug courts must collect and submit to the Administrative Office of Courts each month, the following data:

(i) Total number of participants at the beginning of the month;

(ii) Total number of participants at the end of the month;

(iii) Total number of participants who began the program in the month;

(iv) Total number of participants who successfully completed the drug court in the month;

(v) Total number of participants who left the program in the month;

(vi) Total number of participants who were arrested for a new criminal offense while in the drug court program in the month;

(vii) Total number of participants who were convicted for a new criminal arrest while in the drug court program in the month; and

(viii) Total number of participants who committed at least one (1) violation while in the drug court program and any resulting sanction(s).

(b) By August 1, 2015, and each year thereafter, the Administrative Office of Courts shall report to the PEER Committee the information in subsection (4) (a) of this section in a sortable, electronic format.

(5) All certified drug courts may individually establish rules and may make special orders and rules as necessary that do not conflict with the rules promulgated by the Supreme Court or the Administrative Office of Courts.

(6) A certified drug court may appoint the full- or part-time employees it deems necessary for the work of the drug court and shall fix the compensation of those employees. Such employees shall serve at the will and pleasure of the judge or the judge's designee.

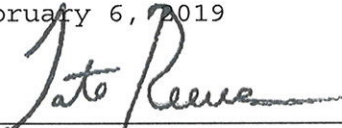
(7) The Administrative Office of Courts shall promulgate rules and regulations to carry out the certification and

re-certification process and make any other policies not inconsistent with this section to carry out this process.

(8) A certified drug court established under this chapter is subject to the regulatory powers of the Administrative Office of Courts as set forth in Section 9-23-17.

SECTION 2. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
February 6, 2019




PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 12, 2019



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR
3/28/2019 3:30pm